

## AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE

Index # cv12-4173

Purchased/Filed: August 22, 2012

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT

Yehuda Katz, on behalf of himself and the class

Plaintiff

against

ABP Corporation

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:

Heather Morigerato, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on August 28, 2012, at 11:45 am, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed

Summons in a Civil Action and Complaint-Class Action

on

ABP Corporation Fict Name Au Bon Pain, theDefendant in this action, by delivering to and leaving with Chad Matice,

AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service was made pursuant to Section 306 Business Corporation Law.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 28 Approx. Wt: 200 Approx. Ht: 6'0"Color of skin: White Hair color: Brown Sex: Male Other: \_\_\_\_\_

Sworn to before me on this

6th day of September, 2012

  
JANE KOEHLER  
NOTARY PUBLIC, State of New York  
No. 01KO6202736, Albany County  
Commission Expires March 23, 2013

  
Heather Morigerato  
Atty's File No.

Invoice/Work Order # SP1209949

SERVICO. INC. - PO BOX 871 - ALBANY. NEW YORK 12201 - PH 518-463-4179